REMARKS

Initially, Applicants would like to express appreciation to the Examiner for taking the time to discuss this case during an in person interview held on April 5, 2006. The amendments made by this paper are generally consistent with the proposals made during the interview.

The Office Action, mailed November 29, 2005, considered and rejected claims 1-30, 35 and 36. Claims 1-30 and 35-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Winbladh (U.S. Patent No. 6,205,330) in view of Lager et al. (U.S. Patent No. 6,636,502). [1]

By this paper, claims 1, 4-6, 9-10, 12, 14-16, 19-21 and 24-30 have been amended, while claims 37-44 have been added, such that claims 1-30 and 35-44 remain pending for reconsideration.[2]

There are three independent claims at issue. In claim 1, a method is recited for initiating transfer of packet data from a server to a mobile communication station. The method includes acts of the mobile station extracting an address from a message sent from a server. The address is extracted by an application running on the mobile-station. The mobile station then uses the address information to establish a PDP session with the server, over which corresponding packet data is transmitted to and received by the mobile-station. Claims 16 and 24 are directed to corresponding system and device claims.

In previous prosecution, it was pointed out how the present invention is distinguished from the art of record, including Winbladh because the presently recited claims recite embodiments in which applications and the corresponding functionality of the mobile station are implemented at the mobile station rather than through a distributed system, such as by a connected computing system, as appears to occur in Winbladh. In particular, Winbladh does not appear to teach that a stand-alone mobile device implements all of the corresponding acts and functionality that are recited in the pending claims. Instead, Winbladh discloses a distributed system in which a mobile device receives a message from a server and wherein a separate computing system is connected to the mobile device and which initiates the session with the server. This is not, however, being done at the mobile

1 Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

2 Support for the new claims and amendments is found throughout the specification, including, but not limited to the disclosure found on p. 1, ll. 15-19; p. 12, ll. 15-19; p. 14, ll. 4-6; p. 19, ln. 35 thru p. 20, ln. 2; p. 21, ll. 14-22; and Figure 1.

station. It should also be pointed out that the session that is being initiated is not even a PDP session. (This issue will be discussed in more detail below).

In response to the arguments presented in the first response, the Examiner pointed out that "Notably, the term 'mobile communication station' is a broad term that is not limited to any individual unit." The Examiner then continued to point out that the combined 'MS Unit' and 'PC' of Winbladh work together to achieve the steps recited in the claims.

In this regard, the Examiner appears to agree with the premise of the original argument that Winbladh appears to be directed to a distributed system and not a stand-alone device or system. However, the Examiner felt that the claim language did not require the claims to be limited to such a narrow interpretation as a stand-alone device or system.

To remedy the foregoing ambiguity in the claim language, the claims have been amended by this paper to clarify and specifically point out that the mobile-communication station is indeed a stand-alone mobile device having its own display and processing capabilities and such that the claims should now be interpreted as requiring a stand-alone mobile device, rather than a distributed system as disclosed in Winbladh.

When this distinction was discussed with the Examiner during the interview, the Examiner indicated that he would have to study this issue further and update his search.

Other points of distinction that were previously made include the fact that Winbladh does not appear to disclose or suggest the use of pack-based communications. This has been acknowledged by the Examiner in at least page 4 of the last office action.

To compensate for the inadequacies of Winbladh, with specific regard to the use of packet-based communications, the Examiner relies on Lager, asserting that it would be obvious to modify Winbladh with the teachings of Lager because Winbladh is not restricted to any particular telecommunications system and because Lager provides a more effective use of scarce resources. Applicants respectfully disagree.

While Winbladh does state that it is not restricted to any particular wireless telephone system such as GSM, and while Lager asserts that GPRS systems can limit reservations of resources to the times in which there is something to send, and so as to provide effective use of scarce resources (Col. 1, ll. 22-25), there is nothing we have found in this disclosure or the corresponding references that

would suggest or motivate one to believe that modification of Winbladh would be obvious to one of ordinary skill in the art at the time of the invention or even necessarily advantageous for that matter. This is particularly true when considering that Winbladh's system already appears to teach that the network session resources are reserved for only the periods of time in which there is data to send. For example, in Col. 7, ln. 58-Col. 8, ln 7, it is pointed out how the communications software executing at the computer will "[r]elease the transmitting part of the session when transmission is terminated." In view of this disclosure, it is unclear why and certainly uncertain whether one would be motivated to modify Winbladh's invention in view of Lager when Winbladh already provides a way for making an efficient use of network resources. It is also uncertain whether the Lager system would actually provide a more effective use of resources than the system set up in Winbladh, inasmuch as Winbladh's session resources are already released after a transmission is terminated.

Accordingly, if the Examiner wishes to maintain his rejection based on the same combination of references, Applicants respectfully request that the Examiner clarify his asserted motivation for combining the references and specifically point to disclosure showing why Lager's system would necessarily provide a more efficient use of scarce resources than the system in Winbladh.

Other distinctions between the claims and the art of record are found in claims 9 and 10. For example, in claim 9 an embodiment is recited in which an activation code is present in the message and wherein the mobile communication station is only identified to the network if the appropriate activation code is found in the message during the examining act.

In rejecting claim 9, the Examiner refers to an embodiment in Winbladh in which an activation code is certainly used. However, Winbladh's activation code is noticeably different than the activation code recited in the pending claims. In Winbladh, an activation code is used for registration of an email address (Col. 8, 46-Col. 9. ln. 3). This, however, is clearly distinguished from the claimed embodiment wherein the mobile device detects an activation code (which is already present in the message), during the examining act, prior to identifying itself to the network.

In claim 10, an embodiment is recited where a message is presented to a user that is based on the content of a service indication field and describing the service that will be initiated. In rejecting this claim, the Examiner refers to "field 'Code' 43" as well as a passage referring to the transmission of a message to a user after the user enters a PIN code. The field code 43, however, merely provides a password for obtaining the access-right to download an intended job. (Col. 7, ll. 29-31). This is

noticeably different than the claimed embodiment in which the service field is used to generate a message *describing* a service that is about to be initiated.

Finally, the new claims also recite embodiments that are distinguished from the cited combination of art. Claim 37, for example, more specifically recites how the message comprises a data structure that includes a data field with data that indicates a quality of service that the network server wishes that the stand-alone mobile communication station request from the communication network when using the packet data protocol session.

In claim 38, an embodiment is recited in which the message comprises a data structure that includes a data field having a port number of the network server to be used by the mobile communication station when establishing a TCP/IP connection with the network server.

In claim 39, an embodiment is recited in which wherein the message comprises a data structure that includes a data field having a GPRS activation code which distinguishes the message from other types of SMS messages.

In claim 40, an embodiment is recited in which the message comprises a data structure that includes a data field having a ciphering key which is to be decoded by the application executing on the stand-alone mobile communication station, and wherein the ciphering key is used by the application program to calculate a response to the message for transmission to said network server.

In claim 41, an embodiment is recited in which the message comprises a data structure that includes a data field having a service indication which is decoded by the application executing on the stand-alone mobile communication station and which is presented to a user on the stand-alone mobile communication station in the form of a text display message that identifies a service that is about to be initiated, and wherein the method further includes waiting to initiate the packet data protocol session until a user accepts the service identified by the text display message.

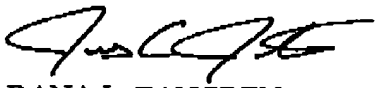
In claims 42-44 embodiments are recited in which the packet data is received for display at the stand-alone mobile device, station or system. This embodiment is particularly distinguishing inasmuch as Winbladh is specifically directed at providing a way to display the message at a separate system than the mobile device. See, for example, Col. 1, ll. 20-29, which clarifies how it would be clumsy to receive long messages or messages with files or graphics via the MS unit. See also the Abstract and other relevant portions of the reference talking about how the message is ultimately loaded into the computer, where it is presumably displayed.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should it arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18 day of May 2006.

Respectfully submitted,



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